

IN SENATE OF THE UNITED STATES,

JANUARY 8, 1821,

Mr. PLEASANTS from the Committee on Naval Affairs, to whom was referred the petition of John Gooding and James Williams, submitted the following

REPORT:

The petitioners state that, in the year 1814, they were owners of the private armed schooner *Midas*, commanded by captain Thompson; that, during said year, the *Midas* captured the British privateer *Dash*, and carried her and her crew into Savannah, in Georgia, and delivered the said crew to the marshal of the district, who gave a receipt for the same as prisoners of war; that nineteen of said prisoners were freemen, and twenty-two of them slaves; that, by virtue of act of Congress, passed the 19th of March, 1814, chap. 86, entitled "An act, in addition to an act, entitled an act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," the petitioners supposed they were entitled to receive the premium of one hundred dollars for each of said prisoners, as well slaves as freemen; but that, by a construction given to the act of Congress by Mr. Rush, then Attorney General of the United States, which the petitioners are advised was an erroneous one, they were prevented from receiving the premium on the said slaves delivered as prisoners of war aforesaid. The petitioners refer to certain documents relating to the said case, and pray that Congress will take it into consideration, and allow them the bounty of one hundred dollars a head for each of the said slaves, who were all *combatants*, and two of them *petty officers*.

Upon an examination of the documents exhibited in support of this application, the Committee find that all *combatants* were to be exchanged agreeably to certain principles settled in the cartel for the exchange of prisoners; and that in the receipt of the marshal for the prisoners taken on board the *Dash*, the said slaves are admitted to be *combatants*, and two of them *petty officers*. Application was made by the owners of another privateer, to the Attorney for the district of Georgia, to have certain slaves libelled as prize of war and condemned in the court of admiralty, which was refused for reasons stated in a letter from said Attorney, exhibited among the documents. On application by the petitioners at the Treasury Department, for

the bounty for the slaves in this case, the subject was referred to Mr. Rush, then Attorney General, for his opinion, who, in his reply, briefly states "that slaves of the enemy taken and brought into port during the late war were not subjects of the bounty provided by the act;" he offers no reasons in support of his opinion. It appears, from documents also exhibited in this case, that the British agents were willing to receive slaves in exchange as prisoners of war, and that the said slaves were finally delivered, by order of our government, to the person authorized to receive them on the part of the British government. The Committee are of opinion, from all the circumstances of this case, that the petitioners are entitled to the bounty of one hundred dollars a man for each of the said slaves, for which purpose they report a Bill.

TREASURY DEPARTMENT,

Fifth Auditor's Office, Nov. 26, 1818.

SIR: I had the honor yesterday to receive your letter of the 23d inst. making certain inquiries relative to British slaves captured by American vessels during the late war.

In order that I may give as precise and full answers to the several queries as the means I possess will enable me, I shall advert to them in the order in which they are presented.

1. Were the slaves, taken on board the British privateer *Dash* considered and mustered as combatants?

The Commissary General prescribed a form in which the several collectors and marshals were to receipt for the prisoners committed to their care, and return them to his office. This form was calculated for two descriptions of people only, combatants and non-combatants. In the receipt of the collector and marshal, in the present instance, a copy of which (A) is enclosed, it will be perceived that the slaves are placed in the column for combatants.

2. Did the British commissary of prisoners, or any British authority, ever refuse to receive in exchange seamen (who were slaves) and taken in their ships, against American seamen taken by them?

No proposition appears to have been made by the American government on this subject.

The British authorities at Halifax, before any captures were made of slaves, by American forces, having in their possession four slaves, captured on board the American revenue cutter *James Madison*, refused to exchange them against British prisoners, in our possession, but emancipated and sent them to Bermuda. This proceeding on the part of the British induced the American government to issue orders, through their commissary general of prisoners, to the respective marshals, to withhold from exchange all British slaves

who might be committed to their eustody, until a satisfactory arrangement with the British government should be made respecting them. No such arrangement, it appears, was made during the continuance of the war, nor, in fact, until the month of June, 1816: during which period the British slaves captured by the United States remained in the charge of the marshals. The inclosures marked B will more particularly elucidate this subject.

3d. If an offer of the kind had been made by the United States, have you any reason to believe that the British agent would have refused to receive slaves in exchange?

The disposition of the British government, on this point, is unknown, as no proposition appears to have been made to develop it on the part of the United States.

4th. Did any instance occur where either party received slaves in exchange?

It is believed that no exchange of slaves took place on either side. If there was an instance of it, it was accidental.

5th. Were blacks, or other men of color, (freemen) in the service of the United States, received in exchange from the British, for British seamen?

Freemen, white and black, were regularly exchanged, but whether color for color does not appear.

6th. Were the slaves in question delivered to, and received by, a British agent authorized to receive prisoners of war, or were they delivered to their masters?

Those slaves were surrendered to the British vice consul, at Savannah, in June, 1816, and not to their masters. A copy of his receipt is herewith enclosed, marked C.

To the other inclosures required by your letter, I have added the order of General Mason, marked D, dated 31st May, 1816, to the marshal of Georgia, for the delivery, to the British agent, of all slaves in his possession.

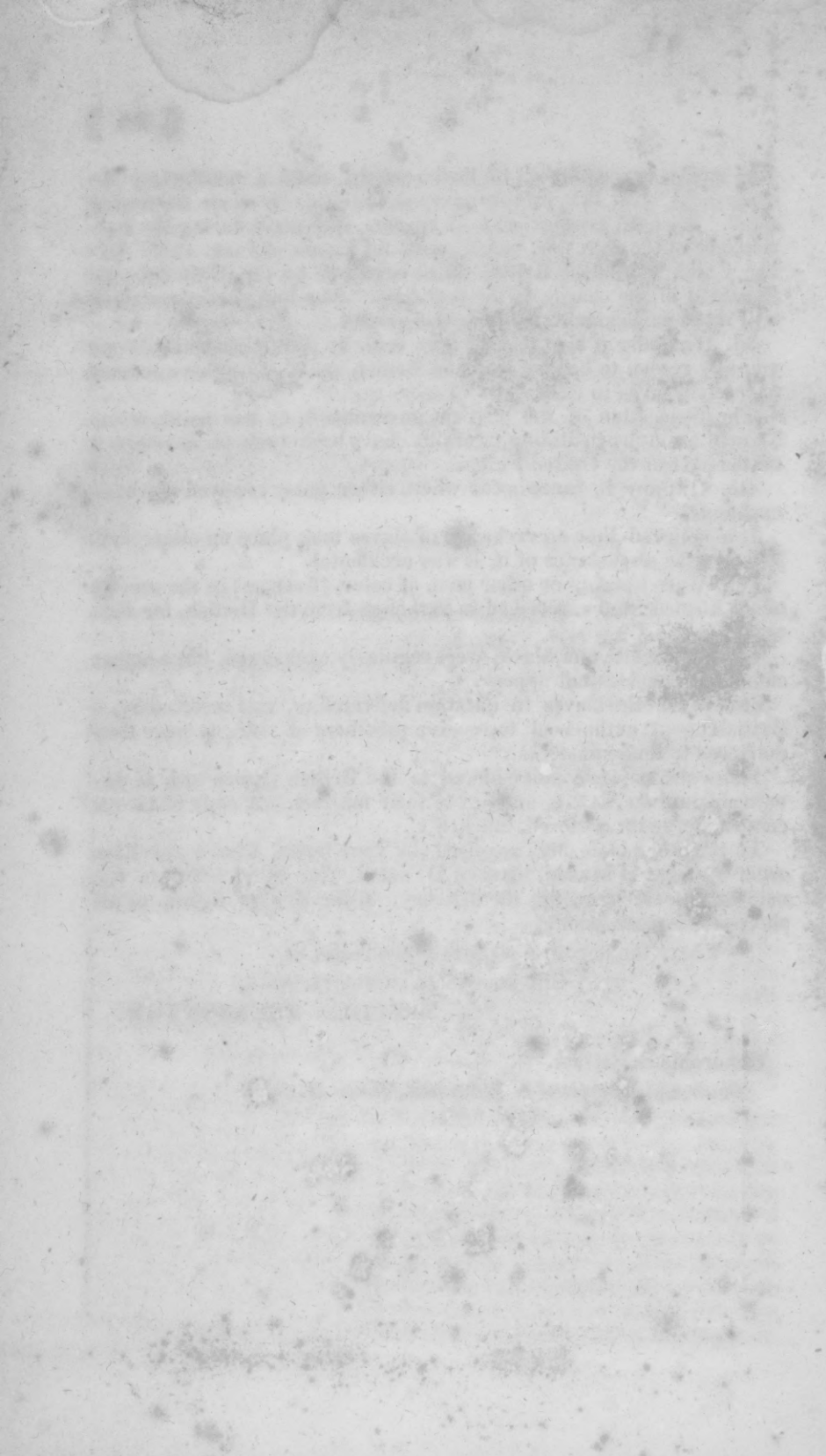
I have the honor to be, with great respect,

Sir, your most obedient servant,

STEPHEN PLEASANTON.

Honorable S. SMITH,

Chairman Committee of Ways and Means, H. of R.



A.

REPORT of Prisoners brought into the Port of Savannah by the private armed vessel called the Midas, whereof Alexander Thompson is Master.

DESCRIPTION OF THE VESSEL CAPTURING.				NAMES OF THE PRISONERS.	RANK OR QUALITY OF THE PRISONERS.	IN WHAT VESSEL CAPTURED.	WHEN CAPTURED.	COMBATANTS.	NON-COMBATANTS.
NAME.	NUMBER OF GUNS.	MASTER, OR COMMANDER.	WHERE COMMISSIONED.						
Midas - -	Eight carriage guns -	Alexander Thompson -	At Savannah - -	Michael Obrien - - - -	Captain - -	Brig Astrea - -	13th June, 1814	1	
				Kelly - - - -	Apprentice boy - -	do - -	do	1	
				John Pinder - - - -	Captain - -	Privateer sch. Dash - -	-	1	
				Joseph Whitwood - - - -	First lieutenant - -	do - -	-	1	
				Jas. Wilson - - - -	Second do - -	do - -	-	1	
				John Fisher - - - -	Sailing master - -	do - -	-	1	
				John Davis - - - -	Prize master - -	do - -	-	1	
				William Druge - - - -	Gunner - -	do - -	-	1	
				Benjamin W. Owterbridge - - - -	Volunteer - -	do - -	-	1	
				Jim Gardner, (slave) - - - -	Carpenter - -	do - -	-	1	
				Lewis Gass, (slave) - - - -	Boatswain - -	do - -	-	1	
				John M-Gee - - - -	Seaman - -	do - -	-	1	
				John Peters - - - -	do - -	do - -	-	1	
				John Johnson, (slave) - - - -	do - -	do - -	-	1	
				Cook Johnson, (slave) - - - -	do - -	do - -	-	1	
				Bristol Johnson, (slave) - - - -	do - -	do - -	-	1	
				Bob Bootle, (slave) - - - -	do - -	do - -	-	1	
				Baptist Lightbourne, (slave) - - - -	do - -	do - -	-	1	
				Dover Lightbourne, (slave) - - - -	do - -	do - -	-	1	
				Baptist Johnson, (slave) - - - -	do - -	do - -	-	1	
				James Banks - - - -	do - -	do - -	-	1	
				Ben. White - - - -	do - -	do - -	-	1	
				John Beckley - - - -	Armorer - -	do - -	-	1	
				Tom Pinder, (slave) - - - -	do - -	do - -	-	1	
				Frank Figher, (slave) - - - -	Seaman - -	do - -	-	1	
				Isaac Fisher, (slave) - - - -	do - -	do - -	-	1	
				Prince Driggs, (slave) - - - -	do - -	do - -	-	1	
				Tim Johnson, (slave) - - - -	do - -	do - -	-	1	
				Nepthan Johnson, (slave) - - - -	do - -	do - -	-	1	
				Charles Hunter, (slave) - - - -	do - -	do - -	-	1	
				Jeremiah Johnson, (slave) - - - -	do - -	do - -	-	1	
				Sam Crawford - - - -	do - -	do - -	-	1	
				Joseph Gass - - - -	do - -	do - -	-	1	
				Jack Johnson, (slave) - - - -	Master-at-arms - -	do - -	-	1	
				Ishmael Johnson - - - -	Seaman - -	do - -	-	1	
				Wm. Pinder - - - -	do - -	do - -	-	1	
				Will Bolds, (slave) - - - -	Captain's clerk - -	do - -	-	0	1
				Jim. Gordon, (slave) - - - -	Seaman - -	do - -	-	1	
				Wm. Maton - - - -	do - -	do - -	-	1	
				Benjamin Johnson - - - -	do - -	do - -	-	1	
				Jim Pinder, (slave) - - - -	Steward - -	do - -	-	1	
				Thomas Hawkins, (slave) - - - -	Seaman - -	do - -	-	1	
					do - -	do - -	-	1	
				Slaves - - - -				41	1
								22	
								19	

The above is a true report of the number of prisoners brought into the port of Savannah in the private armed schooner Midas, whereof I am master.

I hereby certify, That I have carefully examined the within report, and that I have verified the same by the prisoners on board, who are found to be in number and description as therein stated.

I have this day received into my custody forty-two prisoners, agreeably to the within report.

ALEX. THOMPSON.

A. S. BULLOCH, Collector.

JOHN EPPINGER, Marshal.

B.

Extract of a letter from John Mitchell, Esq. American Agent for Prisoners of War at Halifax, to the Hon. William Jones, Esq. Secretary of the Navy, Washington.

HALIFAX, N. S. March 1, 1813.

“There are four black men, part of the crew of the late revenue vessel the James Madison, detained on board the Centurian, I have clothed them, and claimed them. Whether they will be delivered up before the admiral's return is doubtful. I suspect they are detained as slaves, the property of an individual in Georgia.”

Extract of a letter from John Mitchell, Esq. to Lieut. William Miller, Esq. British Agent for Prisoners of War, at Halifax.

HALIFAX, March 10, 1813.

“The four black men belonging to the crew of the late United States' vessel the James Madison, I observe have been sent by H. B. M. Ship Shannon to Bermudas, having been considered as slaves, and emancipated by the commander in chief. As I have no document to enable me to judge whether those men were slaves or not, I can form no opinion on the subject of their emancipation, or how far that act renders proper the sending them out of the way of exchange and returning to their friends.”

1871

1872

1873

1874

1875

1876

1877

1878

D.

Copy of a letter from John Mason, Esq. Commissary General of Prisoners to the Marshal of Georgia.

OFFICE OF THE COMMISSARY GENERAL OF PRISONERS,
Washington, May 31, 1816.

SIR: I am instructed by the Secretary of State to direct that you will deliver all the British slaves, captured during the late war, and detained in your custody, under orders from this office, of the ——— to such persons as may be authorized by the British minister in this country to receive them, for the purpose of sending them out of the United States. By your return of ——— I observe there were then ——— of these persons remaining. If any have escaped, you will use your best endeavors to recover them, and deliver them at the same time. As the object of the government is to get them removed from the United States, you will immediately adopt such precautionary measures, and continue them, in concert with agents appointed by the British minister, until they are embarked and under weigh, as may be best calculated to prevent their escape, and to ensure their departure out of the country, by the conveyance provided by the British agents.

You will take, when delivered, the receipt of the British agent, or duplicate descriptive lists of these people, shewing names, age, color, to what place last belonging, name of vessel in which captured, which you will forward to this office, accompanied by a complete list descriptive as above, of all the persons of this description, detained by you under orders from this office, as before mentioned, shewing in this last list the casualties, as escapes, or deaths, against each name, that may produce a disagreement with the first mentioned list.

TREASURY DEPARTMENT, *Fifth Auditor's Office,**April 14, 1818.*

I certify that it appears, by documents on file in this office, that the persons below named, slaves captured on the 14th June, 1814, in the privateer schooner *Dash*, by the American private armed vessel called the *Midas*, whereof Alexander Thompson was master, were brought into the port of Savannah, in said privateer *Midas*, and, on the 17th June, 1814, were delivered into the custody of John Eppinger, marshal of Georgia; that, in consequence of the opinion of the attorney general, of 27th May, 1817, the bounty provided by act of Congress, of the 19th March, 1814, was not allowed on said slaves.

Jim Gardner, carpenter	Isaac Fisher, seaman
Lewis Gass, boatswain	Prince Driggs, do
John Johnson, seaman	Tim Johnson, do
Cook Johnson, do	Nepthan Johnson, do
Bristol Johnson, do	Charles Hunter, do
Bob Bootle, do	Jeremiah Johnson, do
Baptist Lightbourn, do	Jack Johnson, do
Dover Lightbourn, do	Will Bolds, do
Baptist Johnson, do	Jim Gordon, do
Tom Pinder, do	Jim Pinder, do
Frank Fisher, do	Thomas Hawkins, do

S. PLEASONTON, *Auditor.**Mr. Pleasonton to Mr. Rush.*TREASURY DEPARTMENT, *Fifth Auditor's Office,**May 27, 1817.*

SIR: A settlement of the remaining claims to bounty, on prisoners brought into the United States, by privateers, during the late war, having devolved upon this office, and the question never having been formally settled, as I am informed by general Mason, "*whether negro slaves of the enemy, captured and brought into port, were legitimate objects of bounty,*" and as several claims of that nature are still pending, I must ask the favor of your opinion on the subject.

The object of the bounty law was, evidently, to obtain prisoners who were liable to exchange, and with whom, we could redeem such of our own citizens as fell into the enemy's hands. Hence, surgeons,

C.

LIST of British Prisoners of War, (slaves,) discharged out of the custody of the Marshal of the District of Georgia.

NO.	NAMES.	AGE.	COLOR.	TO WHAT PLACE LAST BELONGING.	VESSEL IN WHICH CAPTURED.	BY WHAT VESSEL CAPTURED.	WHEN DELIVERED TO THE MARSHAL.
4	Moses Matthews . . .	20 years	Black	Nassau . . .	Privateer Caledonia	Privateer Nonsuch	April 12, 1813
	John Thompson . . .	55 do	Mulatto	do . . .	do do	do do	do do do
	Thomas White . . .	27 do	Black	Bermuda . . .	Schooner Hussar	do Liberty	do 14, do
	Tim Darrall . . .	23 do	do	do . . .	Brig President	do Polly	November 8, do
5	John Johnson . . .	25 do	do	Nassau . . .	Privateer Dash	do Midas	June 17, 1814
	Prince Driggs . . .	35 do	do	do . . .	do do	do do	do do do
	Neptune Johnson . . .	30 do	do	do . . .	do do	do do	do do do
	Bristol Johnson . . .	23 do	do	do . . .	do do	do do	do do do
	Jim Pindar . . .	15 do	do	do . . .	do do	do do	do do do
10	Jeremy Johnson . . .	30 do	do	do . . .	do do	do do	do do do
	Cork Johnson . . .	24 do	do	do . . .	do do	do do	do do do
	Baptist Johnson . . .	22 do	do	do . . .	do do	do do	do do do
	Jack Johnson . . .	25 do	do	do . . .	do do	do do	do do do
	Isaac Fisher . . .	23 do	do	do . . .	do do	do do	do do do
15	Jim Gordon . . .	14 do	do	do . . .	do do	do do	do do do
	William Bolles . . .	23 do	do	do . . .	do do	do do	do do do
	Dover Lightbourne . . .	20 do	do	do . . .	do do	do do	do do do
	Charles Himter . . .	60 do	do	do . . .	do do	do do	do do do
	Baptist Lightbourne . . .	60 do	do	do . . .	do do	do do	do do do
20	Jim Johnson . . .	40 do	do	do . . .	do do	do do	do do do
	Thomas Hawkins . . .	23 do	do	do . . .	do do	do do	do do do
22	Evans Taylor . . .	20 do	do	Kingston, Jamaica	Schooner Fame	Privateer Rapid	June 23, do

I do hereby certify that the persons whose names and descriptions are above mentioned, being British prisoners of war, (slaves,) captured by armed vessels of the United States, and detained since the war, have been delivered, by the Marshal of the United States for the District of Georgia, on board the British brig Alexander, Captain Cook, bound for St. Andrews, New-Brunswick.

SAVANNAH, GEORGIA, 20th June, 1816.

JAMES WALLACE,
Acting Vice Consul.

chaplains, supercargoes, and passengers, who had no military employment or situation on board of vessels, were excepted from the bounty; these being considered as non-combatants, and not falling within the rules of exchange. It has been the policy of our government, as you are, doubtless, aware, not to consider slaves captured in the enemy's service as liable to exchange, and they were consequently not exchanged in any case, but were detained, and not surrendered to the British authorities until after the conclusion of the war. It may be observed, too, that in some instances the captors obtained from the courts condemnations of slaves, as prize property, and caused them to be sold for their own benefit.

I have only to add, that the last law on the subject of bounty, passed on the 19th March, 1814, is that under which the claims now to be considered have arisen.

Very respectfully,

I am, sir,

Your most obedient humble servant,

S. PLEASONTON.

Honorable RICHARD RUSH,

Attorney General.

Mr. Rush to Mr. Pleasonton.

WASHINGTON, May 27, 1817.

SIR: In answer to your letter of this day's date, I have to state it as my opinion, under the act of Congress of March 19th, 1814, that slaves of the enemy, captured and brought into port during the late war, were not objects of the bounty provided by that act.

With great respect,

I have the honor to be,

Sir,

Your obedient servant,

RICHARD RUSH, *Attorney General.*

Mr. PLEASONTON.

TREASURY DEPARTMENT,

Fifth Auditor's Office, Dec. 4, 1818.

S. Pleasonton presents his compliments to Gen. Smith, and, in compliance with the request contained in his note of yesterday, has the honor to enclose two extracts of letters from Col. Barclay to Gen. Mason, and the copy of a note to the latter from Mr. Baker, on the subject of black prisoners, to which the letters of Gen. Mason, now in the possession of the committee, are answers.

S. Pleasonton was not aware, when he penned his note of 26th November to Gen. Smith, that Col. Barclay had proposed to place a particular number of British prisoners of color, held at New London, on the footing of ordinary prisoners of war, which, it seems by one of the notes, (that of the 23d May, 1813,) was the case.

S. Pleasonton encloses, also, for the use of the committee, sundry papers on the same subject, which were only discovered this morning, and which appear to have been collected and arranged by Gen. Mason previously to his resignation of the office of Commissary General. He requests Gen. Smith to have the goodness to return these papers, after the committee shall have perused them; some of them being originals.

Extract of a letter from Colonel Thomas Barclay, British Commissary General of Prisoners, to John Mason, Commissary General of Prisoners for the United States, dated

“HARLEM, July 3, 1813.

“By referring to my former letters, you will observe those which wait replies; particularly a letter of the 23d May, respecting Mr. Oswald Lawson, a merchant, evidently a non-combatant, detained as a prisoner of war at Charlottesville, in Virginia, and the 16 black men, captured by the Holkar American privateer, and carried into New London.”

THOMAS BARCLAY.

Extract of another letter from the same to the same, dated,

“HARLEM, May 23, 1813.

“The American privateer Holkar, captured not long since a British vessel, having sixteen negroes, British subjects, on board; they have arrived at New London. The owners of the privateer, I

am informed, claim them as British property, but the marshal retains them in his custody. I beg you to direct the marshal to retain them as prisoners of war; and, if you have no objection, I will be at the expense of sending them to Boston to go in the cartel. If you accede, send me an order to the marshal of Connecticut for the purpose."

THOMAS BARCLAY.

Copy of a note from Anthony St. John Baker, to General John Mason, Commissary General, &c.

PHILADELPHIA, June 22, 1815.

"Mr. Baker presents his compliments to Gen. Mason, and, as he understands that several black and colored people, at Charleston and Savannah, captured during the war, have not been released with the other prisoners, but are still kept in confinement by the marshals at those places, requests General Mason would have the goodness to acquaint him with the cause of their detention, and favor him with the communication of any directions which may have been given to the marshals respecting them."

SAVANNAH, 13th August, 1813.

SIR: Certain black prisoners, taken in the British privateer Caledonia, by a vessel of the United States, and brought into this port, were yesterday preparing to be sent on board the cartel ship Magnet, when your orders to the marshal were received; upon which they were detained. I take the liberty of enclosing a copy of a letter I received from the agents of the captors; to which I answered, That I could not act as attorney for the United States, or make use of the name of government in a libel, such as the agents requested me to file. Mr. Howard says, that, in Jamaica, negroes have been bonded to the amount of their value, to answer the decree of the court of admiralty, in a capture of a vessel, said to be American property, covered by a neutral flag. That four negroes, thus bonded, lately arrived in Savannah from Jamaica: the negroes are said to belong to a Mr. Young, living near Norfolk. In the Caledonia there are negroes the *private* property of the enemy, and of the owners of the privateer. These, if possible, ought to be condemned or ordered to work for the public, as an example to the owners: for, if it is once admitted, that slaves, found on board British private armed vessels, are to be fed and restored as prisoners of war, and that the owners run no risk or expense in the property, we may have swarms of these men on our coast, if the war continues long. I shall attend, with pleasure, to any instructions you may favor me with, respecting the

present communication. The cartel Magnet came from off the bar of Charleston, and laid off our bar a day or two, before the marshal got information of her arrival. At the same time the Collibri brig of war was in company with the cartel, and in sight of the light house. It is believed she attended the cartel for the purpose of getting men. If this be tolerated on general principles, after the exchange is really completed, by the arrival of the prisoners on board a *British* cartel, and receipted to our government, it is indeed wrong in *practice*, so far as relates to us, as the enemy commands our coast. The vessel of war having been some days near the cartel gives this suspicion a probability that I take for certainty; and, if so, it is an abominable fraud upon the spirit of the convention, though fully within the scope and spirit of British policy. With an intended invasion upon our coast, it is an object for the enemy, to obtain, *almost* on the spot, prisoners just leaving our city, and well informed as to our situation, force, &c. These men walk about Savannah, make observations, know the number of our volunteer corps, their numbers, &c. and retire master spies of our weakness and divisions. Would it not be possible to accommodate them elsewhere, with ease and comfort?

Excuse the liberty I take in thus writing; my motive is my apology for troubling you.

I am, Sir, with the utmost respect,

Your's, very obediently,

CHARLES HARRIS,

District Attorney.

Gen. MASON.

SAVANNAH, August 2, 1813.

SIR: In the private armed vessel Caledonia, — Hinson, master, lately captured and brought into this port, by the United States' schooner Nonsuch, commanded by lieutenant Monk, there were a number of persons of color, held to labor, under the laws of Great Britain or her colonies, and belonging to the enemy, as detailed in the list hereto subjoined. We are prepared to show, that, in cases where captures are made by the enemy, of persons of that description, belonging to citizens of the United States, they are considered prize of war; and presuming, not only upon the general principle of the forfeiture of all the interest of the enemy's property, as well as *lex talionis*, we have to request, on behalf of the captors, that a libel may be filed in relation to those people, against all the claims and rights to labor of the enemy, in such manner and form as you may think proper.

We are, Sir, very respectfully,

Your obedient servants,

SAMUEL AND CHARLES HOWARD,

Agents of captors.

CHARLES HARRIS, Esq.

Attorney of the United States, District of Georgia.